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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/910,574  | 07/20/2001  | Eugene Gorbatov      | 42390P12150         | 1414             |
| 8791  | 7590        | 12/29/2005           | EXAMINER            |                  |
| BLAKELY SOKOLOFF TAYLOR & ZAFMAN<br>12400 WILSHIRE BOULEVARD<br>SEVENTH FLOOR<br>LOS ANGELES, CA 90025-1030 |             |                      | YIMAM, HARUN M      |                  |
|   |             | ART UNIT             | PAPER NUMBER        |                  |
|   |             | 2611                 |                     |                  |

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                            |                         |  |
|------------------------------|----------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>     | <b>Applicant(s)</b>     |  |
|                              | 09/910,574                 | GORBATOV ET AL.         |  |
|                              | Examiner<br>Harun M. Yimam | <b>Art Unit</b><br>2611 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10/12/2005.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-33 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.
2. The affidavit filed on 09/15/2005 under 37 CFR 1.131 is sufficient to overcome the Schaefer (US 2002/0124252) reference.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-15, 18-21, 26, 30 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Omoigui (2005/0086688).

Considering claim 1, Omoigui discloses receiving a television stream (paragraph 0029, lines 10-13 and paragraph 0054, lines 1-9); causing the display of a first program of a first channel received in the television stream for viewing by a viewer (paragraph 0034, lines 1-2); and notifying the viewer of an event occurring in a second program of a second channel being broadcast concurrently with the first program (paragraph 0038, lines 1-19 and paragraph 0067, lines 1-8).

As for claims 2 and 14, Omoigui discloses that the television stream comprises an enhanced television stream (triggering events—paragraph 0035, lines 15-22).

With regards to claims 3 and 15, Omoigui discloses receiving an event notification (triggering event—paragraph 0035, lines 15-22) within the enhanced television stream, the event notification indicating occurrence of the event (paragraph 0035, lines 15-27).

As for claims 6 and 18, Omoigui discloses automatically causing the changing of the channel after the event occurs to display the second program of the second channel instead of the first program (paragraph 0040, lines 2-4).

With regards to claims 7 and 19, Omoigui discloses concurrently causing the display of the first program on a first portion of a display and the second program on a second portion of the display (paragraph 0040, lines 6-10).

Regarding claim 8, Omoigui discloses identifying portions of programs as signifying events (indicating the beginning of an event, such as Tiger Woods tee off—paragraph 0035, lines 15-27).

Considering claims 9 and 20, Omoigui discloses registering for notification of events (paragraph 0035, lines 1-15).

As for claims 10 and 21, Omoigui discloses receiving a plurality of event notifications (receiving triggering events—paragraph 0035, lines 15-27) and filtering the event notifications to identify those event notifications corresponding to registered events (only the notifications that are matched up with user registrations for notification are sent to the client—paragraph 0035, lines 22-27 and paragraph 0036, lines 1-5), and notifying the viewer of occurrences of registered events for which event notifications have been received (paragraph 0035, lines 25-27 and paragraph 0038, lines 15-19).

With regards to claim 11, Omoigui discloses that the registered events occur in programs broadcast on a plurality of channels (paragraph 0054, lines 9-15).

Considering claim 12, Omoigui discloses that the second program is broadcast live (paragraph 0035, lines 1-3) and the event is determined in real-time (paragraph 0095, lines 1-6).

As for claim 13, Omoigui discloses a storage medium having a plurality of machine-readable instructions (paragraph 0046, lines 9-21 and paragraph 0050, lines 1-4), wherein the instructions are executed by a processor (paragraph 0051, lines 1-7), the instructions provide for handling of event notifications in television programming (instructions for implementing the notifications steps—paragraph 0050, lines 1-13), the instructions including receiving a television stream (paragraph 0029, lines 10-13 and paragraph 0054, lines 1-9); causing the display of a first program of a first channel received in the television stream for viewing by a viewer (paragraph 0034, lines 1-2); and notifying the viewer of an event occurring in a second program of a second channel being broadcast concurrently with the first program (paragraph 0038, lines 1-19 and paragraph 0067, lines 1-8).

Regarding claims 26 and 30, they are rejected for the same reasons as discussed in claims 2, 9 and 10.

Considering claim 33, it is rejected for the same reasons as discussed in claims 6 and 9.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, 16, 17, 22, 23, 25, 24, 27-29, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omoigui (2005/0086688) in view of Stettner (2002/0104090).

Regarding claims 4, 5, 16, 17, 24, 28, and 32, Omoigui discloses that the enhanced television stream comprises a digital television stream (paragraph 0029, lines 1-13).

Omoigui fails to disclose that the event notification comprises an ATVEF trigger and communicating the ATVEF triggers to a receiver using the Internet.

In analogous art, Stettner discloses that the event notification comprises an ATVEF trigger and further discloses communicating the ATVEF triggers to a receiver using the Internet (paragraph 0032, lines 12-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Omoigui's system to include communicating ATVEF triggers to a receiver using the Internet, as taught by Stettner, for the benefit of conforming to a television enhancement standard and reaching large number of consumers using an inexpensive distribution means.

As for claim 22, Omoigui discloses a method of broadcasting enhanced television programs comprising: defining events occurring in programs (indicating the beginning of an event, such as Tiger Woods tee off—paragraph 0035, lines 15-27); creating an enhanced television stream, the enhanced television stream comprising television programs and triggers (triggering events—paragraph 0035, lines 15-22); broadcasting the enhanced television stream (paragraph 0028, lines 5-7).

Omoigui fails to disclose creating ATVEF triggers representing event notifications corresponding to the events.

In analogous art, Stettner discloses ATVEF triggers representing event notifications (paragraph 0032, lines 12-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Omoigui's system to include ATVEF triggers

representing event notifications, as taught by Stettner, for the benefit of conforming to a television enhancement standard.

With regards to claims 23, 27 and 31, they are rejected for the same reasons as discussed in claims 4 and 11.

As for claim 25, it is rejected for the same reasons as discussed in claim 9.

Considering claim 29, it is rejected for the same reasons as discussed in claims 6 and 9.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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